

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHENG A. CHEN,)
)
Petitioner,)
)
vs.) **CIVIL NO. 06-851-WDS**
)
MICHAEL CHERTOFF, *et al.*,)
)
Respondents.)

MEMORANDUM AND ORDER

STIEHL, District Judge:

Through counsel, Petitioner filed this action pursuant to 28 U.S.C. § 2241 to challenge his current confinement pending resolution of his motion for a stay of deportation.

IT IS HEREBY ORDERED that within twenty-three (23) days of receipt of this application for Writ of Habeas Corpus, Respondents shall answer and show cause why the writ should not issue. Service upon the United States Attorney for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois, shall constitute sufficient service.

IT IS FURTHER ORDERED that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

IT IS FURTHER ORDERED that this entire matter be referred to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

IT IS SO ORDERED.

DATED: December 19, 2006.

**s/ WILLIAM D. STIEHL
DISTRICT JUDGE**